

REMARKS/ARGUMENTS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 19-30 are pending in the present application and claims 1-18 have been previously cancelled. The Examiner is respectfully requested to reconsider the rejections of claims 19-30 in view of the Remarks set forth below.

Acknowledgment of Information Disclosure Statements

In the Reply dated July 12, 2005, Applicants requested that the Examiner acknowledge the Form PTO-1449 submitted with the Information Disclosure Statement filed on March 4, 2002. Apparently, there has been a miscommunication between the Applicants, and the Office regarding this request and the Form PTO-1449 has not been acknowledged. Accordingly, Applicants are resubmitting a duplicate copy of the Form PTO-1449 originally filed on March 4, 2002, the Foreign Patent Documents and the Other Documents originally submitted with the Information Disclosure Statement. The Examiner is respectfully requested to consider the references and to provide an initialed copy of the Form PTO-1449 with the next Office Action.

The Rejection of Claims 19-21, 24-25 and 30 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 19-21, 24-25 and 30 under the provisions of 35 U.S.C. § 102(e) as being anticipated by US Pub 2004/0125875 (Nakaya, hereinafter "the Nakaya Publication").

The Rejection of Claims 20-23, 26 and 28-29 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 20-23, 26 and 28-29 under the provisions of 35 U.S.C. § 103(a) as being unpatentable over the Nakaya Publication and further in view of U.S. Patent No. 5,963,259 (Nakaya et al., hereinafter "the Nakaya '259 Patent").

The Rejection of Claims 22 and 27 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 22 and 27 under the provisions of 35 U.S.C. § 103(a) as being unpatentable over the Nakaya Publication in view of the Nakaya '259 Patent and further in view of U.S. Patent No. 6,236,682 (Ota et al., hereinafter "Ota").

The Nakaya Publication is not Prior Art

Applicants respectfully submit that the Nakaya publication is not prior art with respect to the claimed invention of the present application. The present application claims the benefit of Japanese PCT/JP97/03825 filed on October 23, 1997 and Japanese PCT/JP97/00834 filed on March 17, 1997. The earliest possible effective date of the Nakaya Publication is the June 8, 1998 filing date of its parent application Serial No. 09/093,194, and the Nakaya Publication's earliest effective date is later than Applicants' priority date. In order to perfect their priority claim, Applicants have attached English translations of Japanese Application PCT/JP97/03825 and Japanese Application PCT/JP97/00834.

Applicants respectfully submit that the rejections under 35 U.S.C. § 102(e) and § 103(a) must be withdrawn, because the rejections are based upon the Nakaya Publication which is not prior art with respect to the claimed invention of the present application.

Conclusion

In view of the above remarks, it is believed that the claims are patentable over the prior art relied on by the Examiner.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard J. McGrath (Reg. No. 29,195) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: November 8, 2005

Respectfully submitted,

By 

Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants

Attachments: Form PTO-1449, dated March 4, 2002

Foreign Patent Documents

Other Documents

Translation of Japanese Application PCT/JP97/03825

Translation of Japanese Application PCT/JP97/00834